

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Jim HUNTER, et al.

ART UNIT: 2872

SERIAL NO.: 10/029,875

EXAMINER: Alessandro V. Amari

FILING DATE: December 31, 2001

FOR: HIGH CONTRAST GRATING LIGHT VALVE

**DECLARATION OF JOE BERGER, 37 C.F.R. §1.608(b)**

ASSISTANT COMMISSIONER FOR PATENTS

PO BOX 1450

ALEXANDRIA, VA 22313-1450

SIR:

I, Joe Berger, do hereby declare and state that:

1. From a period of time beginning in 1997, and through and beyond December 18, 1998,

I held the position of Vice-President, Engineering, for Silicon Light Machines, which became a division of Cypress Semiconductor Corporation, acquired during that time frame.

2. As part of my duties and responsibilities as Vice-President, Engineering, I was intimately aware of the projects and product development activities ongoing at Silicon Light Machine throughout the time period, and knew and was familiar with the activities of each of James Hunter, Chris Gudeman, David Amm and Akira Tomita, each of whom is known to be personally. It was my practice as Vice-President of Engineering to meet with the engineers, including Hunter, Gudeman, Amm and Tomita, on a regular basis, to develop an awareness of the projects they were working on.

3. I have read the Declaration of Hunter, Gudeman, Amm and Tomita, and Exhibits A-E attached thereto. The entirety of that Declaration and exhibits is attached hereto as Exhibit 1.

4. I am familiar with, and recall the activity on this project, although I am not a co-

inventor thereof. The project was one of continuous development at Silicon Light Machine, and I remember preparation of an article corresponding to the description herein, as reflected in the Declaration that is Exhibit 1 hereto. By reason of my position, responsibilities and execution of that office by routine discussions with the four co-inventors, and knowledge of the ongoing projects, I am able to confirm that in fact the subject matter of the above-captioned patent application, described in the Declaration and Exhibits that is Exhibit 1 hereto, was completed at Silicon Light Machine in advance of December 18, 1998. The statements made in Exhibit 1 hereto conform substantially to my memory of events.

All statements made herein of own knowledge are true, and all statements made on information and belief are believed true. Further, I am aware that willful false statements and the like are punishable by fine, imprisonment, or both, 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-captioned patent application, and any patent to issue thereon.

Dated: 1/9/2004

  
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JOE BERGER